

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

NORRIS WILLIAMSON,)	
)	
Plaintiff,)	
)	
vs.)	CIV-12-63-M
)	
BISHOP & SHILOH TEMPLE)	
CHURCH,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

In this action filed by Plaintiff on January 19, 2012, Plaintiff has filed a motion for leave to proceed *in forma pauperis* and supporting affidavit. The undersigned Magistrate Judge reviewed the pleadings filed by Plaintiff and entered an Order notifying Plaintiff that the documents filed with the Complaint on January 19, 2012, were deficient because the motion submitted by Plaintiff was missing the financial information required by 28 U.S.C. §1915(a)(1) and the original signature of Plaintiff. The Plaintiff was ordered to cure this deficiency by February 8, 2012, and advised that if the deficiency was not cured, the undersigned would recommend the dismissal of the action without prejudice. As of this date, Plaintiff has failed to comply with the Order or file any further pleadings with the Court.

Plaintiff's lack of interest in complying with the Court's Order combined with the Court's attempt to manage and control its caseload warrant a dismissal of the Complaint without prejudice. See Gripe v. City of Enid, Okla., 312 F.3d 1184, 1188 (10th Cir. 2002)

(Federal Rules of Civil Procedure authorize sanctions, including dismissal, for failure to comply with court's orders). See also Nasious v. Two Unknown B.I.C.E Agents at Arapahoe County Justice Center, 492 F.3d 1158, 1161 n. 2, 1162 (10th Cir. 2007)(*sua sponte* dismissal for failure to comply with court's orders permitted under federal rules, and court need not follow any particular procedures in dismissing action without prejudice for failure to comply).

RECOMMENDATION

In view of the foregoing, the undersigned recommends that the action be dismissed without prejudice. Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by February 29th, 2012, in accordance with 28 U.S.C. § 636 and LCvR 72.1. The failure to timely object to this Report and Recommendation would waive appellate review of the recommended ruling. Moore v. United States of America, 950 F.2d 656 (10th Cir. 1991); cf. Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996)("Issues raised for the first time in objections to the magistrate judge's recommendations are deemed waived.").

ENTERED this 9th day of February, 2012.


GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE